United Nations/International Maritime Organization

Diplomatic Conference on Arrest of Ships

Distr.
GENERAL

A/CONF.188/3/Add.1/Corr.1
2 March 1999

ENGLISH
Original: FRENCH

Geneva, 1 March 1999
Agenda item 8

PREPARATION AND ADOPTION OF A CONVENTION
ON ARREST OF SHIPS

Compilation of comments and proposals by Governments and by intergovernmental and non-governmental organizations on the draft articles for a convention on arrest of ships

Corrections by the Government of Morocco to its comments on the draft articles for a convention on arrest of ships

Corrigendum

Morocco wishes to stress that the draft convention is of especial interest since it is worded in a clear and very coherent manner. Moreover, article 1 contains several definitions that should avert any dispute relating to implementation of the convention.

1. Article 110 of the Moroccan Maritime Code stipulates that arrest is permissible regardless of the nature of the claim, whereas article 1 of the draft convention provides that arrest is permissible only when the claim is maritime in origin.

2. Article 2 of the draft convention provides: "A ship may be arrested ... only by or under the authority of a Court of the Contracting State in which the arrest is made", whereas article 110 of the Moroccan Maritime Code stipulates: "The arrest of a ship may be effected at any time either under an enforceable instrument or under the authority of the competent court ...".

3. Article 111 of the Moroccan Maritime Code of Commerce stipulates concerning seizure in execution: "A ship may not be seized in execution from the time when the captain receives permission to sail until completion of the shipment".

4. Article 4 of the draft convention provides that a ship which has been arrested shall be released when sufficient security has been furnished, and in the event of a dispute on this question the Court may determine the amount of security, which may in no circumstances exceed the value of the ship. This would be in the interest of a foreign owner or charterer and to the detriment of a Moroccan claimant.

In short, the draft convention on arrest protects the interests of the traditional maritime developed countries and those which have large fleets; they wish to protect their fleets from the adverse effects of arrest and are seeking to restrict the scope of its application, which may run counter to the interests of a Moroccan claimant in the event of a non-maritime claim.